

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

JOE SAENZ, Parent,
on behalf of V.S., Student,

Plaintiff,

v.

No. CV 18-954 GBW/CG

BOARD OF EDUCATION OF SILVER
CONSOLIDATED SCHOOLS, et al.,

Defendants.

ORDER GRANTING MOTION TO STAY PROCEEDINGS

THIS MATTER is before the Court on Defendant New Mexico Public Education Department's (NMPED) *Motion to Stay Discovery as to NMPED*, (Doc. 19), filed January 2, 2019. In its Motion, NMPED asked the Court to stay discovery "as to NMPED" pending the Court's resolution of its *Motion to Dismiss*, (Doc. 12). (Doc. 19). The Court held a hearing on NMPED's Motion on February 11, 2019, (Doc. 35). At the hearing, counsel for Defendant NMPED argued that Plaintiff's scope of discovery was too broad and was not supported by the specific factual allegations listed in Plaintiff's Complaint. In response, counsel for Plaintiff indicated that she would be willing to discuss the contours of her complaint with opposing counsel and explain her claims with more precision. At the conclusion of the hearing, the Court instructed counsel to confer and draft a letter outlining any agreed upon discovery that could proceed.

The parties emailed the Court the requested letter on February 21, 2019, explaining that they were unable to agree on a narrowed scope of discovery. The Court is not satisfied that Plaintiff has narrowed the scope of discovery sought or otherwise articulated the precise confines of her cause of action. For these reasons, the Court will **GRANT** Defendant NMPED's *Motion to Stay Discovery*, (Doc. 19). However, the Court

will not stay discovery only “as to NMPED” but orders that all discovery be stayed in this matter pending the Court’s resolution of Defendant’s *Motion to Dismiss*, (Doc. 12).

IT IS THEREFORE ORDERED that Defendant NMPED’s *Motion to Stay Discovery*, (Doc. 19), is **GRANTED** and discovery in this case is stayed pending the Court’s resolution of Defendant NMPED’s *Motion to Dismiss*.

IT IS SO ORDERED.



THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE